



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Boqueron Field Office
Carr. 301, KM 5.1, Bo. Corozo
P.O. Box 491
Boqueron, PR 00622



January 17, 2002

Planning Section

U.S. ARMY
CORPS OF ENGINEERS
ANTILLES OFFICE
RECEIVED
02 JAN 22 PM 3:17

Ms. Norma I. Alvira Ruiz
Director, Land Use Planning
Puerto Rico Planning Board
PO Box 41119
San Juan, PR 00940-1119

Re: CZ-2001-0620-144, US Army Corps of
Engineers, Bechara Flood Control

Dear Ms. Alvira:

This is to follow up the January 16, 2002, meeting with Planning Board, the US Army Corps of Engineers, DNER and other concerned agencies, to discuss the above Coastal Zone Consistency Certificate. At that meeting the Corps once again stated that moving the proposed levee against the Bechara Industrial Area (BIA) is not feasible and that the mangrove to remain between the BIA and the levee is part of the Nuevo Centro de San Juan mitigation and protected by a conservation easement. This additional work is being added to the Corps Puerto Nuevo Flood Control project at the request of the Commonwealth Government. The Service expressed its concern that although the mangrove area may not be impacted by the levee, it will become isolated on three sides by the BIA and the Corps project. The Service believes that although the mangrove may remain it will be degraded by lack of adequate hydrology and drainage.

During the meeting the Corps agreed to review the overall mitigation plan for the Rio Puerto Nuevo Flood Control project and seek additional mitigation opportunities. The Service agrees with this and had recommended that the mangroves associated with the BIA be included in the Corps mitigation calculations in our previous correspondence with the Corps. Revision of the mitigation plan should be carried out as soon as possible with input from both Federal and Commonwealth resource agencies.

Therefore, if the Corps agrees to revise the mitigation plan for the entire project area to assure that proper compensatory mitigation is carried out for wetland impacts the Service would not have any objections to the issuance of a CZM certificate for this action.

Thank you for the opportunity to comment on this action, if you have any questions please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Félix López', with a long horizontal stroke extending to the right.

Félix López
Acting Field Supervisor

cc:

DNER, San Juan
COE, Planning, San Juan ✓
COE, Planning, Jacksonville
SJBE, San Juan

ATTACHMENT D

PUBLIC AND AGENCY COORDINATION AND COMMENT

Attachment D. Coordination, early scoping, and comments received.

The BIA recommended plan was developed as a result of interagency coordination during construction of the Rio Puerto Nuevo Flood Control Project, Contracts 1 and 2, while the Municipality of San Juan was preparing for closure of the San Juan landfill, the Puerto Rico Public Works Department (Highways Authority) was preparing to reorganize intersections along Kennedy Avenue, and the Ports Authority was trying to reorganize the Puerto Nuevo wharf and landside facilities. Several interagency meetings were held in 1998 and 1999 in San Juan, with the Deputy District Engineer for the Antilles acting as host, and with attendance of major Commonwealth, Municipal and federal "players" in infrastructure projects in the area. It was at these meetings that the recommended plan was explored, refined and eventually selected. Federal resource agencies also participated in some of these meetings. Therefore, formal scoping, beginning with publication of a Federal Register Notice of Intent, was to some extent repetitious for concerned agencies in Puerto Rico.

Formal scoping began on September 9, 1999, with the publication of a Notice of Intent to prepare a Draft Supplement to the Final Environmental Impact Statement in the Federal Register (Vol. 64, No. 174). A scoping letter was also sent directly to agencies and individuals on the Puerto Rico projects mailing list, beginning on October 6, 1999. Scoping comments were received from the following agencies: U.S. Environmental Protection Agency (EPA), Department of Commerce, National Marine Fisheries Service (NMFS), Department of the Interior, U.S. Fish and Wildlife Service (FWS); Puerto Rico Electric Power Authority (owner of the power lines), Puerto Rico Department of Agriculture and Puerto Rico Department of Natural Resources. The scoping letter, Federal Register notices, and agency comments are reproduced on the following pages. The second Federal Register Notice was published when, after modifying the project to avoid disposal of excavated material on the mangrove wetland, and after considering general comments from EPA, FWS and NOAA related to the overall scope of the project and level of flood control inapplicable to the BIA segment, no other major controversial items remained to warrant a new Supplement to the original Final Environmental Impact Statement.



COMMONWEALTH OF PUERTO RICO
Office of the Governor

September 24, 2001

Mr. James C. Duck
Chief, Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

**SHPO 10-13-88-08 REDESIGNED FLOOD DAMAGE REDUCTION PROJECT IN
THE BECHARA INDUSTRIAL AREA, SAN JUAN, PUERTO RICO**

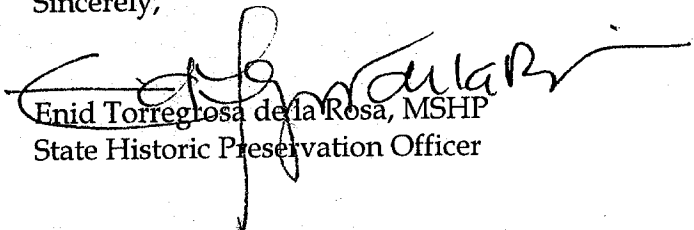
Dear Mr. Duck:

Our Office has received and reviewed the above referenced project in accordance with Section 106 of the *National Historic Preservation Act of 1966* (Public Law 102-575) as amended in 1992 and 36 *CFR Part 800: Protection of Historic Properties* from the Advisory Council on Historic Preservation. The State Historic Preservation Officer (SHPO) is to advise and assist federal agencies when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce the project's effects on them.

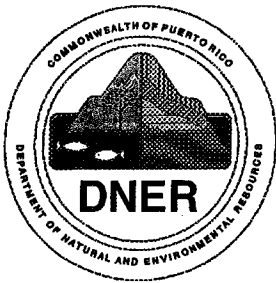
Our records support your finding that no historic properties are located within the project's area of potential effects.

If you have any questions concerning our comments, please do not hesitate to contact us. Please note that should the Agency discover other historic properties at any point during project implementation, you should notify the SHPO immediately. We appreciate your interest in the rescue and preservation of our national historical heritage and we reiterate our commitment to assist you in this endeavor.

Sincerely,


Enid Torregrosa de la Rosa, MSHP
State Historic Preservation Officer

ETD/MB



COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF NATURAL AND ENVIRONMENTAL RESOURCES

05 SEP 2001

Mr. James C. Duck, Chief
Planning Division
Corps of Engineers
Jacksonville District
PO Box 4970
Jacksonville, FL 32232-0019

**Draft EIS
FONSI
Flood Control Measures for Bechara Industrial Area
Río Puerto Nuevo Flood Control Project
San Juan, Guaynabo, Puerto Rico
C-792-686**

Dear Mr. Duck:

We have reviewed the above-referenced document and agree with the proposed Gravity Drainage. (Option two) The impact upon wetlands will most certainly be balanced by the huge socio-economical benefits generated by río Puerto Nuevo project when completed.

We agree in principle to the proposed mitigation of wetland impacts in the Rupert Armstrong Parcel, nevertheless a detailed Mitigation Plan should be submitted as soon as possible.

If we can be of further help, please call us.

Cordially,

Carlos M. Padín, Ph. D.
Secretary

CMP/CRT/JATM/ipf/erp

**Flood Control Measures for Bechara Industrial Area
Wetlands Mitigation
Design and Plan
Scope of Work**

1.0 Background –

1.1 The measures for flood control in the Bechara Kennedy area transversed by the Puerto Nuevo River consist of a box culvert and a levee to protect the Bechara Industrial Area against the flooding of the hydrologically associated Margarita Creek. The location is the municipality of Guaynabo, Puerto Rico.

1.2 The work is a Federal Flood Control project authorized under Section 205 of the Flood Control Act of 1948, as amended. Public coordination of the project via an Environmental Assessment and Finding of No Significant Impact (FONSI), in February 2001, committed the project sponsors to in-kind replacement of the lost parcel by creation of similar wetlands. This work will result in impacts to approximately 8.5 acres of wetlands (1 acre of mangrove wetlands and 7.5 acres of disturbed freshwater wetlands under the existing electrical power company's right-of-way), which have an overall value of 2.75 functional units (equivalent to approximately 5 acres of newly created mangrove wetlands adjacent to a tidal water body).

1.3 The mitigation site, known as the Parcelas Rupert Armstrong, is surrounded by industrial development except as it is bordered on the East by the Puerto Nuevo River and on the South by Margarita Creek. The government desires to investigate the suitability of these lands for the creation of 5 acres of mangrove swamp wetlands and obtain a complete planting, tending and monitoring plan for the wetlands creation.

2.0 General Overview of Required Environmental Services

Contractor will utilize a qualified wetlands restoration specialist with experience establishing mangrove wetlands in Puerto Rico or elsewhere in the Caribbean. The contractor will evaluate the potential site shown on the attached map for suitability for the creation of a mangrove swamp. Basic requirements are: hydrology characteristic of freshwater or low salinity brackish seasonal coastal marsh, with proper land gradient and drainage. Hydrology should include regular alternation of wet-season shallow flooding and dry-season emergence (up to 16" water above soil surface after heavy rains, followed by gradual drainage, with frequent soil saturation); average soil salinity below 5 parts per thousand (ppt); soils suitable for mangrove wetlands establishment. Contractor will conduct field investigations and measure the following parameters: soil salinity, general ground elevation relative to adjacent open water; soil characteristics (texture, color, pH, interstitial salinity, nutrient status); and grading

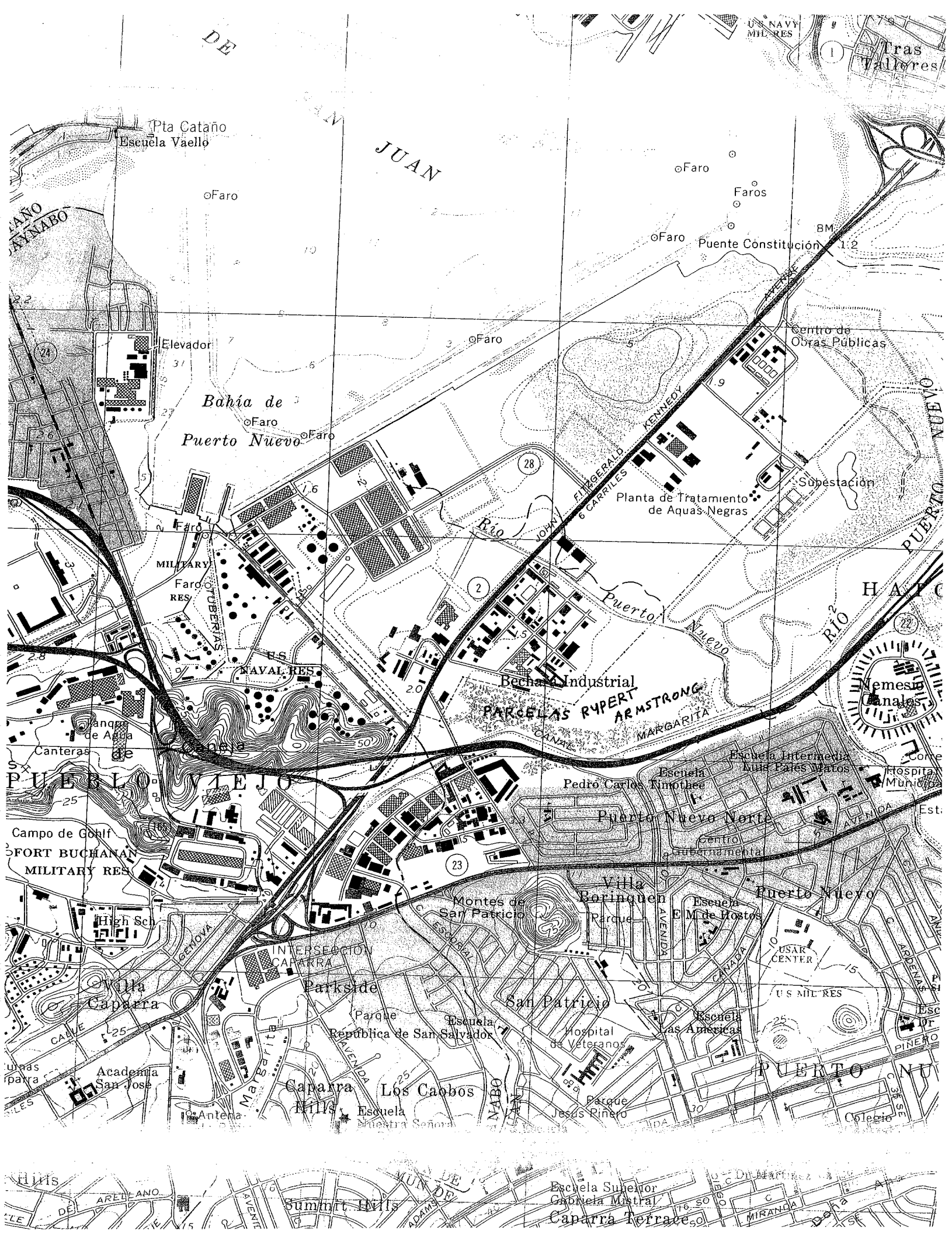
required prior to planting, if any. These investigations will include **eight (8) sampling, and testing at each site** and the development of a site recommendations and a viable soil preparation and planting plan for the site with the highest potential for success. Sites requiring extensive grading or earth-movement to obtain suitable grade are to be presumed not suitable. Suitability for successful planting of red mangrove (*Rhizophora mangle*) or white mangrove (*Laguncularia racemosa*) will be determined by the contractor. The contractor will develop a complete mitigation plan and construction cost estimate for the swamp creation including short- and long term monitoring; and provide a list of the local permits required.

3. Deliverables and schedule:

- 3.1 Coordination Meeting:** Upon receipt of notice to proceed, Contractor shall request and attend a meeting at Jacksonville District with the Project Manager and Environmental Branch representative, in order to obtain additional project information and arrange joint field investigations. During this meeting the USACE will assign coordination responsibilities and contact persons to assure smooth coordination with DNER counterparts. Contractor shall inform the government of travel plans to Puerto Rico, so that the Government can help coordinate with representatives of the DNER Water and Mineral Resources Bureau, Refuges and Sanctuaries program and Natural Heritage Program to meet with the contractor and accompany him to the field, if desired. The initial meeting must be held within 15 days of receipt of NTP.
- 3.2 Field investigations. Within 15 days of the meeting cited above, or within 30 days of receipt of NTP, the Contractor shall begin field investigations. Prior to commencing fieldwork, contractor must contact persons in the Antilles Planning Section, USACE, and DNER to arrange for full access to the site and allow DNER to accompany contractor as desired. If the fieldwork start is anticipated to be delayed because of un-availability of DNER personnel, an extension for later fieldwork start must be requested of and authorized by the Contracting Officer.
- 3.3 Field investigations must be completed within 60 days after the initial meeting, or 75 days after receipt of the NTP, unless an extension of time is requested by the contractor and granted by the Contracting Officer.
- 3.4 The Contractor shall provide an executive summary within 10 working days of completion of fieldwork. This summary shall contain a list and maps of the sites visited, a summary of observations made, and preliminary recommendations. The government will review and comment on this report within 10 days of receipt.
- 3.5 A Draft report summarizing all fieldwork and recommendations shall be provided the government within 30 days after completion of fieldwork. This report shall contain all the required information about site characteristics, supported by figures, photographs, and data collected, along with contractor recommendations regarding site selection, and a draft wetlands creation plan

for the site. The wetlands creation plan shall be submitted as part of the Draft Report, to include the following:

- 3.5.1 Site description (map, photos)
 - 3.5.2 Recommended planting plan (soil preparation, species, size, spacing).
 - 3.5.3 Recommended items of local sponsor cooperation, if any.
 - 3.5.4 List of permits required, including EQB (CES), DNER (if any, especially collection).
 - 3.5.5 Construction Cost Estimate including Back-up data on material and suppliers. Minimum is three quotes
 - 3.5.6 Time estimates for actual restoration work, including soil prep, nursery work and field establishment
 - 3.5.7 Recommended monitoring criteria for successful establishment.
 - 3.5.8 Other environmental concerns.
 - 3.5.9 Permanent Survey Baseline to be used to establish Mitigations limits for construction.
- 3.6 Government staff will review the Draft Report within 10 working days of receipt, and comments/revisions will be provided to the contractor. Comments and revisions must be incorporated into the Draft to produce a final report. The Final Report will be due 20 days after receipt of government comments and revisions.



MAR-30-1999 17:43

EPA REGION 2

212.637.3891

P. 02/04/1999



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

200 BROADWAY

NEW YORK, NY 10007-1868

MAR 30 1999

Major Edward G. Pruett
Acting Chief, Planning Division
U.S. Army Corps of Engineers-Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Dear Major Pruett:

This letter is in response to your January 15 letters requesting a two year extension of the authorization for use of the San Juan Ocean Dredged Material Disposal Site (ODMDS) for disposal of sediment dredged from the San Juan Harbor Federal Navigation Project and a three year extension for disposal of sediment dredged from the Rio Puerto Nuevo Flood Control Project.

Our staffs discussed the extensions at a meeting in San Juan on February 25, 1999. By this letter we extend the authorization to ocean dispose of project material from areas scheduled for dredging under Phase I of the San Juan Harbor Federal Navigation Project (FNP) at the San Juan ODMDS until December 31, 1999. Areas authorized under Phase I of the San Juan FNP include Graving Dock and Puerto Nuevo Channels, the Sabana Approach and the Puerto Nuevo Turning Basin (see Attachment A). In addition, all ocean disposal associated with dredging of Graving Dock Channel and the Puerto Nuevo Turning Basin must be completed by May 31, 1999. Additional testing and evaluation is required for all areas scheduled to be dredged in Phase II of the San Juan Harbor FNP prior to receiving concurrence for ocean disposal of the project material. This required testing was described by Region 2 and agreed to by your staff at the February 25th meeting and will include toxicity and bioaccumulation testing.

The authorization to ocean dispose of project material from Contract 1 and portions of Contract 2A of the Rio Puerto Nuevo Flood Control Project is hereby extended until March 31, 2002. This extension of authorization for ocean placement includes project areas between Stations 60+73 and 88+26 and M0+00 to M51+00 but excludes those sediments of the Margarita Tributary that were previously determined to be unsuitable for ocean placement. These unsuitable sediments are located between Stations M22+00 and M37+00 (Please note that your letter incorrectly identifies them as being located between Stations M22+00 and M35+00). In addition, your staff indicated that dredging has been completed in areas bayward of Station 60+73 except for those sediments located immediately adjacent to the Kennedy Ave. Bridge (Stations 16+50 to 19+25). Therefore, ocean placement of any sediments bayward of Station 60+73, apart from those sediments located adjacent to the bridge, is also specifically excluded from this extension. Our staffs are currently collaborating to expedite the required testing and evaluation for ocean placement of sediments proposed that were not covered in this extension. Our staffs are also

file
1) San Juan Harbor
Ocean Disposal
2) Rio Puerto Nuevo
Ocean Disposal

working together to finalize the Site Monitoring and Management Plan for the San Juan Channel and regional implementation manuals for the testing and evaluation of dredged material proposed for aquatic disposal.

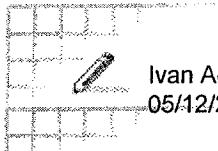
If you have any questions regarding this correspondence, please do not hesitate to contact Mark Reiss of my staff. His number is (212) 637-3799.

Sincerely,



Raymond Basso
Division of Environmental Planning and Protection

Attachments: 1



Ivan Acosta

05/12/2000 09:32 AM

To: James J McAdams/CESAJ/SAJ02@CESAJ, Esteban Jimenez/CESAJ/SAJ02@CESAJ, Robert J Newman/CESAJ/SAJ02@CESAJ

cc:

Subject: Bechara NPDES

You all, spoke with Mr Jose Rivera, EPA Caribbean Office Rep. about the proposed work in the Bechara drainage (old Puerto Nuevo River alignment). He indicated, since is an existing drainage and done by the Federal goverment that we were exempt.

Does the project área involves more than 5 acres?????

Thanks, Ivan



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 23 2001

Mr. James C. Duck
Chief, Planning Division
Jacksonville District
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Duck:

The Environmental Protection Agency (EPA) has reviewed the proposed finding of no significant impact and draft environmental assessment (FNSI) for the Bechara Industrial Area (BIA) segment of the Rio Puerto Nuevo Flood Control Project, San Juan, Puerto Rico.

The EA evaluated the environmental impacts of three alternatives to the original "base" plan for the project, which would have required constructing the Margarita levee and a large pumping station, widening and deepening the Bechara Channel, and constructing a connector canal. The Margarita levee itself would have occupied a wetlands footprint of 17.2 acres. Based on our review, we offer the following comments:

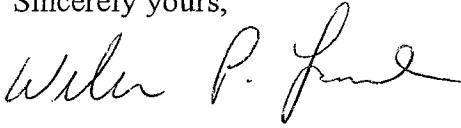
The proposed plan (Alternative 2 - Box Culvert Under Port) significantly reduces the project's wetlands impacts. By shortening the levee and revising its location, only approximately 7.5 acres of lesser quality wetlands will be affected. Furthermore, the EA indicates that mitigation for this loss will be provided by creating an appropriate amount of wetlands off-site. However, a specific mitigation plan was not included in the document. We would like an opportunity to review and comment on the proposed mitigation plan once it is developed.


In EPA's November 4, 1999 comment letter, a copy of which is included in Attachment D of the EA, EPA recommended that the Corps consider the feasibility of constructing floodwalls instead of the proposed levee in wetland areas. This would serve to further reduce adverse impacts since floodwalls typically have narrower footprints. We reiterate that comment. In a related note, both the EA (on page 11) and the Section 404 evaluation both indicate that a recently filled area comprising about 2 acres will be part of the western portion of the Margarita Levee, but do not provide any further information.. What is known about who filled this area and for what purpose? Is it an authorized activity?

Provided that the above comments are satisfactorily addressed, we do not anticipate that implementation of the preferred alternative will result in significant adverse impacts to the environment. Accordingly, EPA would have no objection to its implementation.

Thank you for the opportunity to comment. Should you have any questions concerning this letter, please contact William P. Lawler, P.E., of my staff at (212) 637-3728.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "William P. Lawler". The signature is fluid and cursive, with a large, stylized initial "W".

 Grace Musumeci, Chief
Environmental Review Section
Strategic Planning and Multi-Media Programs Branch



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

March 24, 2001

Mr. James C. Duck
Chief, Planning Division
Corps of Engineers, Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Duck:

The National Marine Fisheries Service (NMFS) has reviewed the Draft Environmental Assessment (DEA) dated February 2001, prepared for the Bechara segment of the Rio Puerto Nuevo Flood Control Project off San Juan Bay in San Juan and Guaynabo, Puerto Rico, and provided to us by your letter dated February 22, 2001. In previous coordination on this project, the NMFS provided comments by letter dated December 9, 1999, regarding the Corps of Engineers intent to prepare a Supplement to the Final Environmental Impact Statement.

Based on our review, the DEA adequately addresses impacts to living marine resources and Essential Fish Habitat (EFH). In regard to the recommended plan to provide flood control and to provide mitigation for impacts, the NMFS does not have any EFH Conservation Recommendations to offer and we have no objections to the proposed project. This satisfies the consultation procedures outlined in 50 CFR Section 600.920, of the regulation to implement the EFH provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

We appreciate the opportunity to provide these comments. If you have any questions, please contact Mark Thompson at 850/234-5061.

Sincerely,

Andreas Mager, Jr.
Assistant Regional Administrator
Habitat Conservation Division

cc:
CFMC
FWS,PR
F/SER4





March 12, 2001

Ms. Barbara B. Cintrón
U. S. Army Corp of Engineers
Planning Division
P. O. Box 4970
Jacksonville, Florida 32232-0019

**DRAFT ENVIRONMENTAL ASSESSMENT FLOOD CONTROL FEATURES
BECHARA INDUSTRIAL, AREA RIO PUERTO NUEVO**

Dear Ms. Cintrón:

The referenced document is a proposal for the construction of an open channel and underground box culvert gravity drainage to the Bechara Sector. The document was evaluated by Puerto Rico Ports Authority (PRPA), and is evident, the adverse environmental impact to the area by the loss of 7.5 mangrove acres. Therefore so the PRPA requires the delivery of:

1. A copy of the Mitigation Plan submitted to the applicable agencies.
2. The proposed alternatives to be presented to PRPA for the property that belongs to this public corporation in the open channel section.
3. The Work Plan including the proposed date schedule for the project. This will allow the PRPA to make arrangements with the affected tenants during construction phase.

If you need additional information related to this project, please contact me at (787) 729-8804 or Ms. Milagros Rodríguez, our Environmental Advisor of my staff at (787) 729-8506.

Cordially,

Miguel A. Pereira, Esq.
Executive Director

MP/MR/clc

c Eng. Virgilio J. Acevedo
Assistant Executive Director
In Engineering

Mr. Edwin Rodríguez
Chief, Maritime Bureau



March 21, 2001

*Department of the Army
Jacksonville District Corps of Engineer
P.O. Box 4970
Jacksonville, Florida 32232-0019*

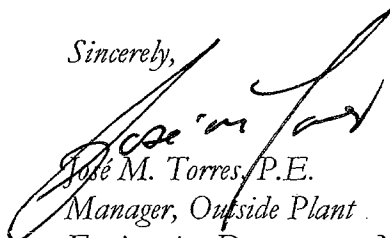
Att: Planning Division Environmental Branch

As per your request, we have reviewed the Environmental Assessment for the Bechara segment of the Rio Puerto Nuevo Flood Control Project and we have no further comments or objections to it.

We have a preliminary design project for the relocation of our aerial telephone plant to be affected with the construction of a box culvert based on the Contract 2AA Plans received last November 2000 from URS Group, Inc. We would appreciate to know if there are any design changes related to the Contract 2AA plans and / or the proposed construction dates.

For additional information regarding this matter, you may call Eng. Awilda Rodriguez at (787) 749-2219.

Sincerely,


*José M. Torres, P.E.
Manager, Outside Plant
Engineering Department, Metro*

ar



COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
PUERTO RICO PLANNING BOARD

Minillas Governmental Center, North Bldg.
De Diego Ave, Stop 22
P. O. Box 41119, San Juan, P. R. 00940 - 1119

March 15, 2001

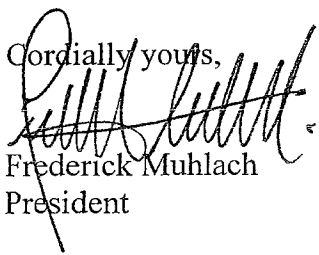
James C. Duck
Chief, Planning Division
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Duck:

We have evaluated the Draft Environmental Assessment prepared for the Bechara (Contact 2AA) segment of the Río Puerto Nuevo Flood Control Project in San Juan and Guaynabo. The recommended plan under that contract, consists of a drainage canal inside Bechara Industrial Area (BIA) that extends from the Bechara Industrial Park, located south of Kennedy Avenue, to San Juan Bay. This project will provide gravity drainage to the BIA and will protect from floods of the upper Quebrada Margarita drainage.

The proposed action would provide drainage for the 100 year flood, therefore this represent a great economic impact in the BIA, decreasing the risk of damage to building structures and contents and intensifying the land uses in the sector. This is in agreement with the Objectives and Public Policies of the Land Use Plan of Puerto Rico.

Cordially yours,



Frederick Muhlach
President

RM/mla

PUERTO RICO ELECTRIC POWER AUTHORITY

SAN JUAN, PUERTO RICO

Cable Address
PREPA



PO Box 364267
San Juan, Puerto Rico 00936-42

March 23, 2001

Mr. Jack C. Duck, Chief Planning Division
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Duck:

**RE: Draft Environmental Assessment
Flood Control Features for Bechara Industrial Area
Rio Puerto Nuevo Flood Control Project
San Juan / Guaynabo, Puerto Rico**

We refer to your letter in which the Puerto Rico Electric Power Authority (PREPA) is requested to submit its comments in regard to the above referenced project. The project's new levee alignment would run along one of our power line's right of way.

The description of the proposed changes shows that there may be power lines which might be affected by the project. Although the overall project was evaluated previously, it is PREPA's policy to issue project evaluations which are effective for only one year. Since this project was evaluated sometime ago by PREPA, we request you contact Eng. Roberto Torres, Acting Superintendent of Distribution Engineering, at (787) 772-6503 for a new evaluation.

We have no issues of environmental significance to comment upon for the referenced project. If you have any questions, please contact us at (787) 289-4969.

Cordially,

Héctor M. Alejandro
Acting Director, Planning
and Environmental Protection

SCOPE OF WORK
FISH AND WILDLIFE COORDINATION
ACT REPORT, RIO PUERTO PROJECT, BECHARA INDUSTRIAL AREA
SAN JUAN PUERTO RICO, PUERTO RICO

1.0. Project: Río Puerto Nuevo, Bechara Industrial Area Segment, flood control project.

2.0. Authorization: This design modification is being undertaken under the authority of the Water Resources Development Act of 1986, which authorized the Río Puerto Nuevo Project.

3.0. Project Area and Objectives: Refer to the map and enclosed draft of the EA text for project area location. The objective is to reduce flooding, flood damage to properties and risk to life and limb caused by overflow of the Río Puerto Nuevo in the area around Kennedy Avenue and Bechara park (the Bechara Industrial Area) in San Juan, Puerto Rico.

4.0 Work Required of the U.S. Fish and Wildlife Service (FWS):

(a). Perform field reconnaissance and literature review necessary to identify significant fish and wildlife resources and habitats within the impact area (culvert, channel clean-out and Margarita levee ROW) of the Bechara segment, with emphasis on existing forested wetlands, wildlife and/or endangered species habitats and populations. Describe potential for project impacts on the fish resource, fish habitat, wildlife and wildlife habitat under all alternatives presented and develop suggestions for fish and wildlife conservation measures. Please keep in mind that the Bechara Canal is not now in direct contact with tide at any point, when you make your observations. The natural gradient of the old river bed is to the north; thus, northern sectors of Bechara Canal cannot now drain to the south.

(b). Prepare a Report in compliance with the Fish and Wildlife Coordination Act regulations and guidance; this report will be submitted to the Corps of Engineers (CE) and included in the environmental documentation prepared for the project.

4.1. Reports:

(a) A Draft Coordination Act Report will be furnished. The Draft CAR will focus on describing the probable impacts of alternative plans on fish and wildlife and habitat resources, and on developing mitigation alternatives, if appropriate. All mitigation alternatives must be justified in relation to the resource or resources likely to be impacted by the project. After review and revision, this report will be integrated into the NEPA documentation prepared and coordinated for the BIA segment. The Final CAR will respond to and incorporate changes, if any, resulting from internal review of the draft environmental document, and will be prepared after the CE supplies comments on the draft document and draft CAR to the Service.

4.2. Content of the Report: At a minimum, the draft CAR should contain the following material:

- Identification of significant FWS resources, their attributes, past and present trends and projected future. Sources of information other than direct observation should be properly referenced. We welcome consultation with and input from FWS contacts in the academic and Commonwealth research and management agencies.

- An inference of the future conditions of the fish and wildlife resources of the project area under with- and without- project conditions, including a comparative analysis of alternative flood control plans. The inferred future conditions should be based on observed or inferred trends in habitats and populations;

- Identification of potential impacts, management and mitigation opportunities during project design, construction and operation;

- Development of recommendations for incorporation of fish and wildlife conservation measures into the project. If specific fish and wildlife habitat mitigation measures are recommended, they should be justified in proportion to the magnitude of expected habitat damage and the present value of the habitat that is likely to be impacted.

4.3. Coordination. The Fish and Wildlife Service will consult and coordinate with the Department of Natural Resources and other appropriate agencies. It will notify the Corps of Engineers (CE) of proposed meetings with other agencies, including time and place, so that representatives from the CE can attend.

4.4. As part of this coordination, FWS will furnish CE with copies of all correspondence pertaining to the studies, and a summary of concerns arising during coordination, in the Draft CAR.

5.0 Work Required of U.S. Army Corps of Engineers (USACE).

5.1 USACE will provide a project location map, description of alternatives and the recommended plan, as well as scoping replies received from DNER, EPA, and NOAA. It will also provide copies of any other technical reports on the area. Other pertinent plans and maps will be supplied as available in the Jacksonville District, Corps of Engineers, to facilitate the study.

5.2 USACE will provide additional information on project plans and specifications as appropriate and available. It will continue to coordinate with FWS to maintain Service biologists updated with regard to plan alternatives/ proposed features. It will review the Draft CAR and return to FWS with agency comments in a timely fashion to permit incorporation of a Final CAR in the CE Report circulated for review.

The undersigned FWS and USACE representatives have reviewed and approved this document, and agree to adhere to this document's requirements and obligations.

for Kenneth R. Opper
Hanley K. Smith, Chief
Environmental Branch
Jacksonville District
U.S. Army Corps of Engineers

James P. Oland
James P. Oland, Chief
Caribbean Field Office
U.S. Fish and Wildlife Service
Boquerón, Puerto Rico

San Juan Bay Estuary Program



February 8, 2001

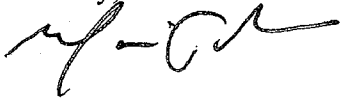
Mr. Esteban Jimenez
Planning Division
U.S. Army Corps of Engineers
400 West Bay Street
Jacksonville, Florida
32232-0019

Dear Mr. Jimenez:

As requested, here is information regarding endangered species in the Puerto Nuevo River area near the proposed dredging site. Two west Indian Manatees has been observed recently in the proximity of the area to be dredged. Sightings of this species were informed in February, 1999 to the USACE in Puerto Rico. (see attached letter). On the other hand there are no critical plant species near the proposed dump site.

If you have any questions please contact me at 787-725-8162.

Sincerely,



Mario Tacher
Marine Biologist, SJBEF

MTR/mtr

San Juan Bay

Estuary Program

San Juan, P.R.

00901-3299

Tel. (787) 725-8162

San Juan Bay Estuary Program



February 15, 2001

Eng. José Rosado
Chief, Antilles Construction Office
U.S. Army Corps of Engineers
400 Fernández Juncos
San Juan P.R. 00901-3299

Dear Mr. Rosado:

With this letter, I will like to notify the U.S. Army Corps of Engineers that at least two West Indian Manatees (*Trichechus manatus*) has been observed in the vicinity of the Puerto Nuevo River. Different sources have reported to us the presence of two manatees near the waters that border the San Juan Municipal Landfill, specifically near the barge used for the operations of the second phase of the Puerto Nuevo River dredging project. Our office has addressed the presence of manatees in this area in the past to former Chief of Antilles Construction Office, Yamil Castillo, in February 1999 (see attached letter).

Our main concern is that one or more of these manatees could be harm during the USACE dredging operations. Any security measures taken would strongly contribute to the overall recovery of this species. This action would also address and support the San Juan Bay Comprehensive and Management Plan.

If you have any questions concerning this matter, please call me at (787) 725 8162.

Sincerely,

Mario Tacher
Marine Biologist, SJBEF

MTR/mtr

C: USFWS
CSN
CESJ-PD-ES

San Juan Bay Estuary Program



March 23 1999

Yamil Castillo
Chief Antilles Construction Section
U.S. Army CORPS of Engineers
400 Fernández Juncos
San Juan Puerto Rico
00901-3299

Dear Mr. Castillo:

With this letter, I will like to notify the U.S. Army CORPS of Engineers that a West Indian Manatee (*Trichechus manatus*) has been observed in the vicinity of the Puerto Nuevo River. A significant number of people have reported the presence of a six to ten feet Manatee near the waters that border the San Juan Municipal Landfill for at least the last two months. Furthermore, a fisherman that frequents the area informed our staff that he has seen an adult manatee with its calf in the same area.

The Puerto Nuevo River is part of the San Juan Bay Estuary System (SJBES), concerning our program directly. As you are aware, the West Indian Manatee is an endangered species protected by State and Federal laws. Our main concern is that the USACE has dredging activities scheduled within this area during summer of 1999 and awareness of this situation should be established.

If you have any questions concerning this matter, please call me at (787) 725 8162.

Sincerely,

Mario Tacher
Marine Biologist

MTR/mtr

cc USFWS
CSN

400 Fern. Juncos Ave.
San Juan, P.R.
00901-3299
Tel. (787) 725-8162

AUG 20 2001

Planning Division
Environmental Branch

Mr. Ronald Borsellino
Division of Environmental Planning and Protection
U.S. Environmental Protection Agency
Region II
25th Floor, 290 Broadway
New York, New York 10007

Dear Mr. Borsellino:

This letter is in reference to the EPA concurrence for use of the San Juan Ocean Dredged Material Disposal Site (ODMDS) for disposal of dredged material for the Rio Puerto Nuevo Project. Although no changes have occurred to affect the October 1999 Evaluation, we have had to partially terminate the excavation of Margarita Channel because of problems encountered in connecting the newly constructed San Jose Sewer Siphon. The elevation of the existing siphon is too high to allow barges to transit the channel and carry excavated material to the ODMDS. Therefore dredging of the approximately 1.8 million cubic yards of dredged material to construct the Margarita Channel is being delayed. The present authorization to dispose of the material at the ocean disposal site expires March 31, 2002 and we are requesting for it to be extended for a period of two years until March 31, 2004.

We have turned over the newly completed sewer siphon to our sponsor, the Department of Natural and Environmental Resources and the Puerto Rico Aqueduct and Sewer Authority. They are currently developing a plan to test and connect the new sewer siphon and demolish the existing siphon within the next 12 to 18 months. Once the existing siphon has been removed, it will take approximately 18 months to re-advertise and complete the remaining Margarita Channel work. Therefore by March 2004 requested extension deadline all Margarita trapezoidal channel dredging operations should be completed.

Based on the analysis of the previous evaluation of the dredged material from the defined project area, it was determined that the material proposed for ocean disposal for Rio Puerto Nuevo project with the exception of the Margarita Tributary channel between 22+00 and station 37+00, is suitable for ocean disposal in accordance with the MPRSA in the San Juan ODMDS. The material located between station 22+00 and station 37+00 of the Margarita Tributary channel was found to be unsuitable for ocean Disposal and shall be disposed in an upland disposal site.

We request that you complete your review and provide a letter of concurrence for extension of the requested ocean disposal of the material specified in the enclosed 103 evaluation within 30 days of your receipt of this letter.

Additional information regarding this request may be obtained from Mr. Ivan Acosta at 904-232-1693 or Mr. Glenn R. Schuster at 904-232-3691.

Sincerely,





James C. Duck
Chief, Planning Division

Enclosure

Copy Furnished:

Mr Mark Reiss, U.S. Environmental Protection Agency, Region II,
Division of Environmental Planning and Protection, 24th Floor,
290 Broadway, New York, New York 10007-166

bcc:
CESAJ-DP-I (Gonzalez\Newman)


Acosta\CESAJ-PD-EP\1693\als 4-12-01

Schuster\CESAJ-PD-E

Gonzalez\Newman\CESAJ-DP-I

Duck\CESAJ-PD

L: group/pde/acostaa/riopuert3.1tr